

However, in addition to in-court duties, many court reporters prepare and certify transcripts of their stenographic records for private attorneys, litigants, and others. The court reporter collects a per-page fee for the transcripts and generally earns much more than he or she would for an hour of salaried work for the court. Very often, it is possible for a court reporter to earn more from transcription work than from his or her annual salary. When working for this per-page fee, the court reporter is clearly acting as an independent operator, as has been specifically determined by the Internal Revenue Service [IRS]. The fee income is treated as separate and apart from the annual government salary for taxation purposes. Indeed, court reporters file self-employment income forms with the IRS and pay self-employment taxes on this income.

Unfortunately, DOL has not yet recognized the independent capacity of court reporters. In August 1994, the Wage and Hour Division took the position that, even while preparing transcripts for attorneys, litigants, and other parties, official court reporters in Oregon are still acting as employees of the court for purposes of FLSA. Similar letters have been received regarding official court reporters in Indiana and North Carolina. Official court reporters in the vast majority of States operate in circumstances similar to these three States.

If allowed to stand, DOL's interpretation would require State and local courts to pay court reporters 1½ times their regular rate of pay for all transcription work performed during overtime hours in a given week. The DOL position threatens to dramatically impact State and local court budgets. The State and local courts will either have to increase their salary budgets or cut costs elsewhere. In return, they would receive nothing except additional administrative duties and headaches.

Faced with possibly hundreds of millions of dollars of liability nationwide, State and local courts are considering dramatic changes in pay practices and in how transcription work is to be performed. Meanwhile, court reporters who continue to perform transcription work may be required to do it for substantially reduced compensation.

This legislation would allow an exemption under the FLSA for official court reporters while they are performing transcription duties for a private party, provided there is an agreement between the court reporters and the State or local court employer. The legislation would also bar lawsuits by court reporters for overtime back-pay. I urge my colleagues to support this measure so that a law designed to protect workers will not instead lead to job losses and reductions in income.

TRIBUTE TO WILLIAM MEEHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. MATSUI. Mr. Speaker, the gentleman from California [Mr. FAZIO] and I rise today to pay tribute to Mr. William Meehan, a native California who has devoted his professional career to the preservation and growth of labor's health in this great State.

In the many years Mr. Meehan has been a major force in the labor realm, both of our offices have relied on his expertise and counsel. We join with the scores of colleagues to salute the outstanding leadership you have given to the Sacramento-Sierra's Building and Construction Trades Council and to the Sacramento Central Labor Council.

In an era of shrinking resources, Mr. Meehan has been one of Sacramento's great defenders, ensuring jobs for thousands of men and women throughout the region.

Not only has Mr. Meehan been an outstanding defender of the labor force, but we would be remiss in not commending his steadfast support of this entire community. The list of political, charitable, and labor related organizations with which he has aligned himself reflects the great characters all leaders strive to achieve. An abbreviated list of organizations who are indebted to his leadership and hard work include the Greater Sacramento Area Plan, Labor and Business Alliance, Sacramento Water Intelligently Managed, Private Industry Council, Auburn Dam Council, Friends of Light Rail, American Red Cross, Sacramento Employment Training Agency, Harps, National Toxics Coalition, United Way, Hundred Dollar Club, Sacramento Metropolitan Chamber of Commerce and the Sacramento Fire Board.

Truly, Sacramento is a better place to work and live thanks to what we hope is only the first half to Mr. Meehan's career. As he begins to undertake his latest challenge for the Painter's International, we ask our colleagues to join us in wishing him continued happiness and success.

REMEMBERING DAVID ROSS YOUNG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate the life of David Ross Young, who died of AIDS earlier this month. I am proud to say that David lived in my district, in Sonoma County, CA.

David did more to touch the lives of others in his 32 years than most people do in a lifetime. After being diagnosed with the AIDS virus, David dedicated his life to preventing the spread of AIDS among young people, speaking to students at Sonoma and Marin County schools about the disease. In addition, he trained hundreds of speakers who will carry on his message in his wake.

Mr. Speaker, it is a truly great human being who, when faced with a limit on the amount of time he has left in this world, chooses to spend it helping others. My heart and my thoughts are with you, David. Your legacy lives within the hearts and minds of the youngsters whose lives you have touched and whose lives you have saved.

ODE TO FITZSIMONS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mrs. SCHROEDER. Mr. Speaker, Mrs. Florence Gasser, whose father was a World War I veteran, was so disturbed about the proposal to close Fitzsimons Army Medical Center that she wrote a poem in protest. I would like to share Mrs. Gasser's poem with my colleagues:

FOR WHOM THE KNELL TOLLS

Who needs a veteran's hospital
In these cloudless peaceful times?
Who cares that four generations fought,
In those lands of different clime?

This century ends with record wars,
Many wounded strewn along the way,
Don't we have moral obligation,
To take care of all of them today?

If you remove their anchors now
Should old soldiers just fade away?
Places like Fitzsimons long has been
Security in world of disarray.

Oh, "they'll get help," indifferent say,
As protest cries, echo in nation;
To most veterans change will seem,
Like a physical amputation.

Fitzsimons spreads out protective arms
To those sick in body and spirit too;
To close its doors, will cruelly state,
Find help elsewhere, then start anew.

Those left groping at hospital door,
Need assurance old Fitz gave heartily;
That they could go on with their lives,
Through all of their sickness and injury.

Those who bled on foreign fields,
And served their country very well,
Should not see Fitzsimons lights go out
And hear that sorrowful, hopeless knell.

FEDERAL FUNDING FOR PUBLIC BROADCASTING SHOULD CON- TINUE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. BROWN of Florida. Mr. Speaker, today I want to spend a few minutes telling my colleagues about four public broadcasting television stations in Florida's Third Congressional District. WJCT in Jacksonville, WFME in Orlando, WUFT in Gainesville, and WCEU in Daytona Beach are truly community assets. They provide programming which enlightens, enriches, entertains, and touches the lives of thousands of north and central Floridians.

These public broadcasting stations have been an integral part of our communities. They have been important partners in public education, providing instructional television and media technology resources to our schools since their beginning.

Public broadcasting reaches 99 percent of all American television households. Its high quality educational and cultural programs have contributed significantly to the quality of life in north Florida. And it's a great investment. Public broadcasting is one of the best public-private partnerships ever developed, matching Federal dollars on a 5 to 1 basis. And it delivers these dollars to the local level. It is also at

the forefront of the development and utilization of technology in education. For instance, through WJCT's National Teachers training Institute in Math, Science, and Technology, our local teachers learn the latest techniques for using technology in the classroom.

Programs like "Reading Rainbow," Sesame Street," and "Mr. Rogers' Neighborhood" are seen by school children and preschoolers in our community every day. Helping to prepare youngsters for school, and enhancing their education once they start school, are among public television stations' and our community's highest priorities.

Federal dollars are extremely important to these stations. Without them, WJCT's "Radio Reading Service for the Blind and Visually Impaired," and captioning of regularly televised local government meetings for the hearing impaired would not be possible. WCEU would not be able to produce programs like "Mathline," a pilot project, which trains teachers in the latest mathematics techniques. WMFE could not provide programming for public school systems in grades K-12, audio reading services for the visually challenged and print disabled, and public affairs shows like "Opinion Street." WUFT's daily half-hour News Five broadcasts, local television programs like the weekly "North Florida Journal" public affairs television programs, and the weekly minority affairs series "Reflections" would have to be reduced or eliminated.

Public radio and television provide these and many other services nationwide at the remarkable low cost of \$1.09 annually per person. On the local level, Federal funds make up approximately 14 percent of WJCT's budget, 17 percent of WFME's budget, 20 percent of WUFT's budget, and 34 percent of WCEU's budget.

"Privatizing" public broadcasting means commercials, and dollar-driven programming, which would radically change the face of this unique broadcasting medium. If instructional/educational broadcasting could generate high profits, public broadcasting already would have become a commercial venture.

As representatives of the people, we must be constructive, creative, and cost-efficient in achieving our national goals of good education and the opportunity for rich cultural resources for all of our citizens. If we realistically evaluate what public broadcasting actually offers to our communities, I believe that we will see the value of continued funding for this very cost efficient and successful, national educational and cultural institution. Thank you for allowing me this time to tell you about the importance of continued Federal funding for public broadcasting for my constituents in the cities of Jacksonville, Gainesville, Daytona Beach, and Orlando.

TRAVEL TIME IN COMPANY VEHICLES

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, today I am introducing legislation which will ensure that the Portal-to-Portal Act and the Fair Labor Standards Act are not misinterpreted by the Department of Labor [DOL] and the courts in such a

fashion that employers are required to compensate employees for their use of company vehicles in their commutes.

The use of company vehicles by employees is pervasive in many industries. Police departments, air conditioning contractors, heating oil retailers, plumbers, and carpet cleaners all provide vehicles to their employees. This is generally seen as a benefit to the employee who is able to carry personal tools and equipment in a company vehicle to the first job site, without having to physically check in at the company office. The employee also does not have to buy a vehicle for commuting and saves money on gasoline.

Despite the clear benefits to the employee from this practice, DOL has indicated that employers should pay employees for time spent in company vehicles commuting to the first job site. Last year, after some pressure from several members of this body, DOL agreed to stop enforcing the policy pending a departmental review. This policy would create additional paperwork for the employer and increased employers costs, with the end result of generally discouraging this practice. Many employers may then decide to arrange the central storage of all the vehicles and to require the employee to pick up the vehicle in the morning, transfer his or her tools into the company vehicle and drive to the first job site. At the end of the day, the employee would then have to return to the company, transfer the tools back to his or her vehicle and drive home. This alternative clearly does not benefit the employee.

The longstanding practice utilized by employees and employers works well and benefits both parties. My legislation would make it clear that the use of a company vehicle by an employee for commuting from home to the first job site and from the last job site to home does not require the employer to compensate the employee for commuting time. I look forward to enacting this legislation in the 104th Congress.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill H.R. 956, to establish legal standards and procedures for product liability litigation, and for other purposes:

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 956, the Common Sense Legal Standards Reform Act of 1995. While I agree that some reform of our Nation's product liability laws may be appropriate, this legislation goes too far, favors producers of dangerous products too much and provides too little protection for ordinary citizens. I cannot support this effort to significantly curtail Americans' rights to seek redress in the courts when they have been needlessly injured, maimed, or killed by dangerous products.

This dangerous and hurried legislation will not only fail to truly reform the product liability litigation laws that need reforming, but will endanger the American public by stripping away the most important checks and balances sys-

tem Americans have—the American judicial system. It would be the height of irresponsibility for Congress to take from the American people their ability to protect themselves, their families and loved ones from dangerous products.

The bill before us today, the Common Sense Legal Standards Reform Act of 1995, will not only attempt to undo many of the important accomplishments of the U.S. Congress, Federal agencies and over 200 years of American common law, but also seeks to undermine many of our Nation's most important mechanisms to enhance safety for all Americans.

The stated purpose of the Common Sense Legal Standards Reform Act is to impose on State and Federal juries limits on the amount of punitive damages of \$250,000. It also imposes on States, Federal standards for all product liability lawsuits. Additionally, the bill contains several special interest exceptions for drug companies and aircraft manufacturers in addition to other friends of the new majority.

While I agree that Congress should investigate reforming products liability litigation, this proposed measure goes well beyond the legitimate objective of balancing responsibilities and risks. In fact, this bill is specifically designed to inhibit the will of the people by creating artificial special interest exceptions, and obstacles for injured and maimed citizens who seek redress in the courts. The current majority has long sought to weaken, if not totally eliminate, Americans ability to protect themselves in the courts.

Supporters of H.R. 956 have argued, and I agree, that most products produced in this Nation are the safest, highest quality products produced in the world. Yet, the fact remains that too many dangerous products exist. When injured by one of these dangerous products, Americans' last recourse is the American judicial system.

Proponents of this bill have argued that curtailing citizens' rights to open access to the courts is justified because there has been an explosion of product liability litigation. This argument is simply not supported by the facts. According to the "1992 Annual Report of the National Center for State Courts," the actual number of product liability claims is extremely low, a mere 4 percent of all personal injury cases. The evidence shows that products liability cases represent only .0036 percent of the total civil caseload in State and Federal courts.

There has been no explosion in products liability lawsuits as republicans assert. Excluding asbestos cases, the number of product liability cases filed in Federal courts between 1985 and 1991 actually declined by approximately 35 percent, from 8,268 to 5,263. The only significant increase in litigation over the past few years has not taken place in the area of products liability. It has been caused instead by large corporations suing other large corporations. A 1990 study reveals that corporate contract cases increased 232 percent and make up more than 18 percent of all civil cases as opposed to .0036 percent for product liability cases.

Another artificial justification for passage of H.R. 956 has been the alleged explosion in the frequency and size of punitive damages awards. The fact is, courts rarely award punitive damages. A 1993 Suffolk University law